

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-06813-JGB (SK) Date: September 25, 2024

Title Martin Calderon v. B. Birkholz, Warden

Present: The Honorable: Steve Kim, United States Magistrate Judge

Connie Chung
Deputy Clerk

n/a
Court Reporter / Recorder

Attorneys Present for Petitioner:
None present

Attorneys Present for Respondent:
None present

Proceedings: (IN CHAMBERS) SCREENING ORDER

Petitioner is a federal inmate at FCI Lompoc II claiming that the Bureau of Prisons (BOP) has not properly responded to some undefined set of administrative grievances over unspecified subject matter. (ECF 1 at 1, 3). It appears that Petitioner is seeking whatever relief he says he was wrongly denied during the BOP’s administrative grievance process, though nothing in the petition makes that clear. (*Id.* at 3). In any event, habeas relief for Petitioner is available under 28 U.S.C. § 2241 only for claims that would “necessarily lead to his immediate or earlier release from confinement” if the § 2241 petition were granted. *Nettles v. Grounds*, 830 F.3d 922, 927 (9th Cir. 2016) (en banc). Petitioner’s challenge to the alleged inadequacy of the BOP’s administrative grievance process, whatever the details might be, is outside the “core of habeas corpus” since nothing in the petition indicates that Petitioner would be released earlier if the petition were granted. *Id.* at 935.

For these reasons, Petitioner is ORDERED TO SHOW CAUSE in writing within 21 days of this order why the § 2241 petition should not be dismissed for lack of jurisdiction.¹ See Rule 4 of Rules Governing Section 2254 Cases (“If it plainly appears from the petition . . . that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner); see also L.R. 72-3.2 (summary dismissal of habeas petition authorized when “it plainly appears

¹ Because of the lack of any details in the petition, among many other reasons, this case is not suitable for conversion into a civil suit under 42 U.S.C. § 1983. See *Nettles*, 830 F.3d at 936.

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from the face of the petition” that “petitioner is not entitled to relief”); 28 U.S.C. § 2243 (no order directing respondent to answer habeas petition required if face of petition shows that petitioner is entitled to no relief). Plaintiff may discharge this order by voluntarily dismissing this action without prejudice using the attached Form CV-09y. Failure to respond to this order, however, may lead to involuntary dismissal for failure to prosecute and obey court orders. *See* Fed. R. Civ. P. 41(b); L.R. 41-1.

IT IS SO ORDERED.